



CHAPTER 45.

An Act to make further provision regarding the Public Health.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Public Health Act, 1885.* Short title.
2. Whenever, from the presence of any formidable contagious disease in any locality, the Provincial Board of Health considers the appointment of a Medical Health Officer necessary for the municipality in which such disease exists, or for any neighbouring municipality, and requests the council of any such municipality to appoint a Medical Health Officer the council shall forthwith appoint a properly qualified medical practitioner, to be Medical Health Officer for the municipality. Appointment of Medical Health Officer by municipal councils.
3. If a council does not appoint a Medical Health Officer, within five days after a request in that behalf made by the Provincial Board, which request may be served upon the head of the council or its clerk, or mailed to either of such officers by registered letter-post, the Lieutenant-Governor upon the recommendation of the Provincial Board may appoint a Medical Health Officer for such municipality. By Provincial Board.
4. Every Medical Health Officer appointed by the Municipal Council shall hold office during the pleasure of the council, and if under the preceding section the Medical Health Officer is appointed by the Lieutenant-Governor, he shall hold office until the first day of February in the year following that in which he is appointed; Provided always, that the municipal council may at any time, upon a two-thirds vote of its members, dismiss any Medical Health Officer for a neglect of duty; and the decision of such council shall be final and shall not render the corporation liable for any damages; the Medical Health Officer shall be entitled to compensation for services actually rendered up to the time of such dismissal, but the amount of such compensation shall not exceed the salary he would have earned up to the time of such dismissal, and if his salary up to such time is paid such payment shall be a bar to any other claim for services rendered. Duration of office.
5. Whenever, during the presence of any formidable contagious disease in any municipality or neighbouring locality any Medical Health Officer becomes temporarily or per- Compensation in case of dismissal.

Vacancy in office, how filled.

manently incapable of performing his duties, or resigns his office, or leaves the locality for which he has been appointed, the council shall forthwith appoint another Medical Health Officer in his room.

Case of several municipalities united into one health district.

6. Where two or more municipalities are united into a health district, the provisions of the preceding part of this Act shall apply, except that the power and duty of appointing or removing a Medical Health Officer shall be with the District Board of Health, unless the councils of the municipalities composing such health district have, previous to any request in that behalf being made by the Provincial Board, united in appointing a Medical Health Officer for such municipalities, and the Lieutenant-Governor may, in case of their default, appoint a Medical Health Officer for such district.

Compensation of Medical Health Officer.

7. In case the appointment of a Medical Health Officer is made by the Provincial Board of Health he shall be entitled to recover from the municipality reasonable compensation for his services.

His powers.

8. Where a Medical Health Officer is appointed he shall possess all the powers and authority possessed by any Health Officer or Sanitary Inspector under *The Public Health Act, 1884*, or any other Act in force, and such Medical Health Officer shall perform all duties imposed upon him by any regulations of the Provincial Board of Health, and the fact that similar duties are by statute imposed upon the Local Board of Health shall not relieve the Medical Health Officer from the performance of such duties.

Suspension of municipal and school elections.

9. (1) In case the Provincial Board of Health reports to the Lieutenant-Governor that on account of the presence in any municipality of an epidemic or contagious disease it would be dangerous to hold an election in such municipality, the Lieutenant-Governor may, upon application by the council of the municipality in that behalf, issue his proclamation postponing the holding of any intended municipal or school election for a period not exceeding three months, and may from time to time further postpone such election if in the opinion of the said board the necessity for postponement continues.

(2) The Lieutenant-Governor may, by his said proclamation, name the days for holding the nomination and polling for the election, but in case no days are named therefor, the council shall, as soon as practicable after the period named in such proclamation, or the last of such proclamations, expires, by by-law name days for the nomination and polling.

(3) In case an election postponed under the provisions of this section is the annual election, or an election of the entire council, or of all the members of a board of trustees or other body, the members of the council, board or other body shall continue to hold office until their successors are elected.

ies, or resigns his
has been appointed,
er Medical Health

are united into a
ceding part of this
d duty of appoint-
shall be with the
ils of the municipi-
ve, previous to any
e Provincial Board,
icer for such muni-
y, in case of their
r for such district.

al Health Officer is
he shall be entitled
le compensation for

appointed he shall
used by any Health
Public Health Act,
Medical Health Offi-
him by any regula-
and the fact that
on the Local Board
lth Officer from the

f Health reports to
of the presence in
ous disease it would
h municipality, the
n by the council of
proclamation post-
pal or school election
d may from time to
e opinion of the said
nues.

s said proclamation,
and polling for the
therefor, the council
od named in such
ions, expires, by hy-
ing.

er the provisions of
ection of the entire
of trustees or other
or other body shall
s are elected.

10. Where under the provisions of *The Public Health Act, 1884*, or of any municipal by-law, the Local Board or any Health Officer removes any dirt, filth, refuse, debris, or other thing which is likely to endanger the public health or to become or cause a nuisance, or which is, or is causing, a nuisance, such dirt, filth, refuse, or other thing shall be subject to the disposition of the Local Board or, if the officer is acting under a by-law of a municipal council, shall be subject to the disposition of the council, and the owner of such thing shall have no claim in respect thereof.

Authority to
dispose of
refuse, etc.,
after removal.

11. Where a Local Board of Health, or any Health Officer, is required or empowered, under any Public Health Act, or under any regulations made thereunder, to disinfect any person or thing, or to isolate any person, such board or officer may use such force and employ such assistance as is necessary in order to accomplish what is required.

Powers for
purpose of
disinfecting
things or per-
sons.

12. Section 3 of *The Public Health Act, 1884* is hereby amended by adding the following thereto as sub-sections 9, 10, 11 and 12:

47 V. c. 38, s.
3, amended.

(9) For the inspection of railway stations, steamboats, vessels, railway carriages and cars and public conveyances by the Local Board or some officer, and the cleansing, purifying and disinfecting thereof, and anything contained therein when required by such Board or officer at the expense of the owner, occupier, or the person having the care and ordering thereof, and for detaining for this purpose any such steamboat, vessel, railway carriage and car or public conveyance, and anything contained therein, so long as may be necessary, and any person travelling thereby.

Inspection
of railway
stations,
steamboats,
etc.

(10) For preventing the departure of persons from infected localities, and for preventing persons or conveyances from passing from one locality to another, and for detaining persons or conveyances who or which have been exposed to infection, for inspection or disinfection until the danger of infection is passed.

Restraining
departure of
persons and
conveyances.

(11) For requiring the appointment of sanitary police to be paid by the municipalities in which they act for the purpose of assisting and carrying out the health regulations in force in the municipality.

Sanitary
police.

(12) For the removal of persons living in infected localities.

Removal of
persons.

13. Section 8 of the said Act is hereby amended by inserting after the words "Local Boards of Health" where these words occur in the said section, the words "or by the Medical Health Officer or sanitary police."

47 V. c. 38, s.
8, amended.

14. Section 9 of the said Act is hereby amended by inserting after the words "the Local Boards of Health," the words, "or the Provincial Board of Health."

Sec. 9
amended.

Sec. 65
amended.

15. Section 65 of the said Act is hereby amended by adding thereto the following additional sub-sections, as sub-sections 2, 3 and 4 :

Penalty for
violating
regulations of
Provincial
Board of
Health.

(2) Any person who violates any regulation of the Provincial Board of Health shall be liable for every such offence to a penalty not exceeding \$20 in the discretion of the convicting justices or magistrate, besides costs which may also be inflicted, if the convicting justices or magistrate sees fit to impose the same.

Removal of
nuisances.

(3) Where any person has been convicted of an offence under this Act, or under any regulation or by-law enacted or in force, thereunder, and such offence is in the nature of an omission or neglect, or is in respect of the existence of a nuisance or other unsanitary condition, which it is such person's duty to remove, or is in respect of the erection or construction of anything contrary to the provisions of this Act, or of *The Public Health Act, 1882*, or of any regulation or by-law enacted, or in force under either of the said Acts then, in case the proper authority in that behalf gives reasonable notice to such person to make good such omission or neglect, or to remove such nuisance or unsanitary condition, or to remove the thing which has been erected or constructed contrary to the said Act, regulation or by-law, and default is made in respect thereto, the person offending may be convicted for such default, and shall be liable to the same punishment as was, or might have been, imposed for the original offence, and so on, from time to time, as often as after another conviction a new notice is given and the default continues; and in the case of a third or subsequent conviction, it shall not be necessary in the information, conviction or other proceedings to make any reference to any conviction except the first, or to any notice except that in respect of which the proceedings are then being taken.

Where appli-
cation in re-
spect of nuis-
ance must be
made to High
Court.

(4) No determination or order of the Provincial or Local Board of Health for the removal or abatement of any nuisance shall be enforced, except by order of the High Court of Justice, where such removal or abatement involves the loss or destruction of property of the value of \$2,000 or upwards, and upon any application to the High Court the order of the Provincial or Local Board shall not be evidence that the matter or thing complained of was or is in fact a nuisance.